

DRAFT 2/26/2010

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 10-R-__**

A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,

**A RESOLUTION REGARDING PUBLIC RIGHT OF WAY DEDICATIONS ALONG
PURITAN LANE AND COLORADO HIGHWAY 52 ADJACENT TO AND WITHIN
THE PROPOSED ST. DIMITRIE SUBDIVISION, ADOPTING CERTAIN FINDINGS
OF FACT AND CONCLUSIONS FAVORABLE TO ACCEPTANCE OF THE
DEDICATIONS.**

WHEREAS, the Board of Trustees of the Town of Frederick, Colorado, on March 9, 2010, reviewed the dedication deed of Nicolae Toderica and the St. Dimitrie The New Church, ("Grantors") 7705 Crestview Drive, Longmont, CO 80504, for the dedication for public rights of way of the following real property; to wit:

**TWO TRACTS OF LAND LOCATED IN THE SW1/4 OF SEC. 34, T2N,
R68W OF THE SIXTH PRINCIPAL MERIDIAN (6TH P.M.), TOWN OF
FREDERICK, COUNTY OF WELD, STATE OF COLORADO, as more
particularly described in Exhibit A; and**

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF
FREDERICK, COLORADO, AS FOLLOWS:**

Section 1. Findings of Fact.

- A. The Grantors' dedication and supporting documents are in substantial compliance with the *Frederick Land Use Code* for dedications of land for public rights of way.
- B. The dedications are compatible with adjacent land uses and conform to the requirements and standards established in *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*.
- C. The dedications will facilitate creation and development of the Grantors' proposed St. Dimitrie Subdivision pursuant to the requirements and standards established in *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*.
- D. The dedications as proposed preserve the health, safety, welfare and interest of the citizens of the Town of Frederick, Colorado.

Section 2. Conclusions and Order Approving the Dedication of Public Rights of Way.

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- A. The proposed dedications comply with the applicable sections of *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*.
- B. The dedications are approved subject to the following conditions of approval:
- (1) A detailed Memorandum of Agreement for Public Improvements (MOAPI) shall be prepared and signed prior to recording any Final Plat subdividing the adjacent lands owned by Grantors.
 - (2) Any associated development of the St. Dimitrie Subdivision or Grantors' real property adjacent to the dedicated real property shall provide for the installation of eight foot (8') wide sidewalks along the adjacent portions of Puritan Lane and Colo Hwy 52, or similar pedestrian-access improvement, in accordance with the Town's adopted *Design Standards and Construction Specifications* and as detailed in a subsequent MOAPI.
 - (3) Grantors did not provide independent legal verification of title to the subject property, and Town reserves the right to vacate its interest in the property and seek replacement land dedication from Grantors in the event Grantors' title is subsequently shown to be invalid at the time of the dedication.
- D. The proposed dedications of public right of way along Puritan Lane and Colo Hwy 52, subject to the above conditions, should be granted approval.

INTRODUCED, READ, PASSED, AND SIGNED THIS 9th DAY of MARCH, 2010.

ATTEST:

TOWN OF FREDERICK

By _____
Nanette Fornof, Town Clerk

By _____
Eric Doering, Mayor

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned Grantor(s), for good and valuable consideration, receipt of which is hereby acknowledged, do(es) hereby sell, grant and convey unto the Town of Frederick, a Colorado municipal corporation, the following described parcel of land situate in the County of Weld, State of Colorado, to-wit:

SEE ATTACHED EXHIBIT "A"

with all its appurtenances and warrant(s) the title to the same, free and clear of all liens and encumbrances, subject to reservations, agreements and restrictions of record, and existing easements, if any.

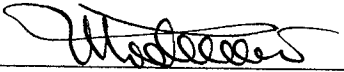
The above described property is to be used for street and utility purposes, which purposes shall include, but not be limited to, streets, sidewalks, curbs, gutters, utility lines, structures, equipment, apparatus and poles.

Acceptance of this conveyance by the Town of Frederick, Colorado, shall not impose upon said Town any obligation for the opening, widening, installation, improvement or maintenance of the above described property for any purpose, which obligation shall arise, if at all, only by separate action of the Frederick Board of Trustees.

Signed this 26th day of January, 2010.

GRANTOR(S):

Nicolae Toderica



STATE OF COLORADO)
)ss.
COUNTY OF WELD)

The foregoing instrument was acknowledged before me this 26th day of January, 2010 by Nicolae Toderica, as an individual.

My commission expires: 3-15-2013

Witness My hand and official seal.


Notary Public



ACCEPTANCE

The Town of Frederick, a Colorado Municipal Corporation, whose legal address is 401 Locust St., Frederick, CO 80530, hereby accepts the above dedication of property as Public Rights-of-Way or a Public Highway.

Dated this _____ day of February, 2010.

ATTEST:

TOWN OF FREDERICK,
A COLORADO MUNICIPAL CORPORATION

BY: _____ BY: _____

ATTORNEY'S CERTIFICATE

I, _____, an attorney licensed to practice law in the State of Colorado, certify, that I have examined title to the above described land dedicated to the Town of Frederick, Colorado, and that the parties executing the dedication are owners thereof in fee simple, and the dedicated land is free and clear of all liens and encumbrances.

So sworn this _____ day of February, 2010.

Attorney at Law, # _____

PROPERTY DESCRIPTION

State Highway 52 Right of Way

A parcel of land for right of way purposes, being located within the Puritan Subdivision, recorded July 1, 1947 as Reception No. 1009475 of the Records of Weld County, situate in the Southwest Quarter (SW1/4) of Section Thirty-four (34), Township Two North (T.2N.), Range Sixty-Eight West (R.68W.) of the 6th P.M., County of Weld, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter Corner of said Section 34 and assuming the South line of the SW1/4 of said Section 34 as bearing South 89°36'20" West, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2655.22 feet with all bearings contained herein relative thereto;

THENCE South 89°36'20" West along the South line of the SW1/4 of said Section 34 a distance of 908.29 feet to the Southerly prolongation of the Easterly line of Lot 1 of said Puritan Subdivision;

THENCE North 00°25'24" West along the Southerly prolongation of the Easterly line of said Lot 1 a distance of 30.00 feet to the Southeast corner of said Lot 1 and to the **POINT OF BEGINNING**;

THENCE South 89°36'20" West along a line parallel with and 30.00 feet Northerly of, as measured at a right angle to the South line of the SW1/4 of said Section 34 a distance of 516.23 feet to the centerline of Puritan Lane;

THENCE North 00°25'24" West along the centerline of said Puritan Lane a distance of 45.00 feet to a line parallel with and 75.00 feet Northerly of, as measured at a right angle to the South line of the SW1/4 of said Section 34;

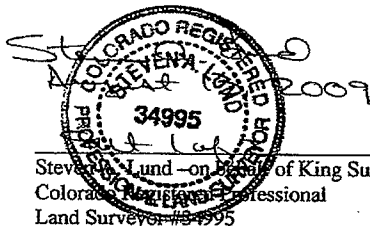
THENCE North 89°36'20" East along a line parallel with and 75.00 feet Northerly of, as measured at a right angle to the South line of the SW1/4 of said Section 34 a distance of 516.23 feet to the East line of Lot 1 of said Puritan Subdivision;

THENCE South 00°25'24" East along the East line of said Lot 1 a distance of 45.00 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains a total of 23,231 sq. ft or 0.533 acres, more or less and is subject to any existing easements and rights of way of record or as now existing on said described parcel of land.

SURVEYOR'S CERTIFICATE

I, Steven A. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Steven A. Lund - on behalf of King Surveyors, Inc.
Colorado Registered Professional
Land Surveyor #34995

KING SURVEYORS, INC.
650 Garden Drive
Windsor, Colorado 80550
(970) 686-5011

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned Grantor(s), for good and valuable consideration, receipt of which is hereby acknowledged, do(es) hereby sell, grant and convey unto the Town of Frederick, a Colorado municipal corporation, the following described parcel of land situate in the County of Weld, State of Colorado, to-wit:

SEE ATTACHED EXHIBIT "A"

with all its appurtenances and warrant(s) the title to the same, free and clear of all liens and encumbrances, subject to reservations, agreements and restrictions of record, and existing easements, if any.

The above described property is to be used for street and utility purposes, which purposes shall include, but not be limited to, streets, sidewalks, curbs, gutters, utility lines, structures, equipment, apparatus and poles.

Acceptance of this conveyance by the Town of Frederick, Colorado, shall not impose upon said Town any obligation for the opening, widening, installation, improvement or maintenance of the above described property for any purpose, which obligation shall arise, if at all, only by separate action of the Frederick Board of Trustees.

Signed this 26th day of January, 2010.

GRANTOR(S):

Nicolae Toderica




STATE OF COLORADO)
)ss.
COUNTY OF WELD)

The foregoing instrument was acknowledged before me this 26th day of January, 2010 by Nicolae Toderica, as an individual.

My commission expires: 3-15-2013

Witness My hand and official seal.




Notary Public

ACCEPTANCE

The Town of Frederick, a Colorado Municipal Corporation, whose legal address is 401 Locust St., Frederick, CO 80530, hereby accepts the above dedication of property as Public Rights-of-Way or a Public Highway.

Dated this _____ day of February, 2010.

ATTEST:

TOWN OF FREDERICK,
A COLORADO MUNICIPAL CORPORATION

BY: _____ BY: _____

ATTORNEY'S CERTIFICATE

I, _____, an attorney licensed to practice law in the State of Colorado, certify, that I have examined title to the above described land dedicated to the Town of Frederick, Colorado, and that the parties executing the dedication are owners thereof in fee simple, and the dedicated land is free and clear of all liens and encumbrances.

So sworn this _____ day of February, 2010.

Attorney at Law, # _____

PROPERTY DESCRIPTION

Puritan Lane Right of Way

A parcel of land for right of way purposes, being located within the Puritan Subdivision, recorded July 1, 1947 as Reception No. 1009475 of the Records of Weld County, situate in the Southwest Quarter (SW1/4) of Section Thirty-four (34), Township Two North (T.2N.), Range Sixty-Eight West (R.68W.) of the 6th P.M., County of Weld, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter Corner of said Section 34 and assuming the South line of the SW1/4 of said Section 34 as bearing South 89°36'20" West, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2655.22 feet with all bearings contained herein relative thereto;

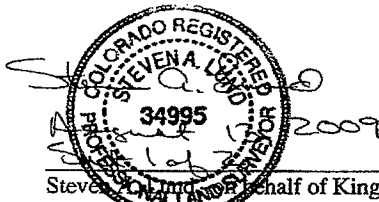
THENCE South 89°36'20" West along the South line of the SW1/4 of said Section 34 a distance of 1424.52 feet to the Southerly prolongation of the centerline of Puritan Lane; **THENCE** North 00°25'24" West along the centerline of said Puritan Lane a distance of 75.00 feet to the **POINT OF BEGINNING**;

THENCE North 00°25'24" West continuing along the centerline of said Puritan Lane a distance of 360.19 feet to the intersection of the centerline of said Puritan Lane and the Westerly prolongation of the North line of Lot 1 of said Puritan Subdivision; **THENCE** North 89°35'17" East along the Westerly prolongation of said North line and along the Northerly line of said Lot 1 a distance of 32.00 feet to a line parallel with and 32.00 feet Easterly of, as measured at a right angle to the centerline of said Puritan Lane; **THENCE** South 00°25'24" East along said parallel line a distance of 360.20 feet to a line parallel with and 75.00 feet Northerly of, as measured at a right angle to the South line of the SW1/4 of said Section 34; **THENCE** South 89°36'20" West along said parallel line a distance of 32.00 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains a total of 11,526 sq. ft or 0.265 acres, more or less and is subject to any existing easements and rights of way of record or as now existing on said described parcel of land.

SURVEYOR'S CERTIFICATE

I, Steven A. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Steven A. Lund, on behalf of King Surveyors, Inc.
Colorado Registered Professional
Land Surveyor #34995

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